

## Message Text

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ACTION EB-07

INFO OCT-01 AF-10 EUR-12 ISO-00 WRD-01 OC-06 CCO-00

L-03 TRSE-00 OMB-01 SS-15 NSC-05 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02

FAA-00 SCS-03 SSO-00 NSCE-00 INRE-00 /075 W

-----060808Z 079840 /15

O P 060650Z JUN 77

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 8710

INFO AMEMBASSY DAR ES SALAAM PRIORITY

AMCONSUL FRANKFURT

AMEMBASSY MOGADISCIO

AMEMBASSY KINSHASA

AMEMBASSY MONROVIA

AMEMBASSY VICTORIA

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MONROVIA PASS FAA REP

FRANKFURT FOR FRDCO

WASHINGTON ALSO FOR WRDCO

E. O. 11652: N/A

TAGS: EAIR, KE, TZ, CASC, OTRA

SUBJ: SUSPENSION OF AIR TRAFFIC BETWEEN KENYA AND TANZANIA

REF: NAIROBI 6675 (NOTAL)

1. SUMMARY: GOK ANNOUNCED TERMINATION OF TEMPORARY PRIVILEGES EXTENDED TO INTERNATIONAL CARRIERS LATE JANUARY TO OPERATE AIR SERVICES BETWEEN DAR ES SALAAM AND NAIROBI. ACTION RESULTS IN SUSPENSION OF SCHEDULED AIR TRAFFIC BETWEEN TWO COUNTRIES, ALTHOUGH A FEW PRIVATE KENYAN CHARTER COMPANIES MAY CONTRACT FOR UNSCHEDULED FLIGHTS IF ASSURED BY TANZANIAN AUTHORITIES THAT THEIR AIRCRAFT WILL

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NOT BE CONFISCATED. PAN AM'S WEEKLY FLIGHT NYC-DAR ES SALAAM AFFECTED AND, DEPENDING ON GOK INTERPRETATION OF PREVIOUS AIR TRAFFIC RIGHTS, POSSIBLY KINSHASA-NAIROBI ROUTE AS WELL.

END SUMMARY.

2. IN LETTER ADDRESSED TO MANAGERS OF INTERNATIONAL AIRLINE OFFICES IN NAIROBI, GOK MINISTRY OF POWER AND COMMUNICATIONS

ANNOUNCED ITS REVOCATION OF TEMPORARY FIFTH FREEDOM TRAFFIC RIGHTS BEING EXERCISED BY A NUMBER OF INTERNATIONAL CARRIERS SINCE COLLAPSE OF EAST AFRICAN AIRWAYS JANUARY 28. THIS ACTION EFFECTIVELY ELIMINATES SCHEDULED AIR SERVICE BETWEEN NAIROBI AND DAR ES SALAAM. EMB FIRST LEARNED OF ANNOUNCEMENT FROM LOCAL PAN AM DIRECTOR LATE JUNE 3 WHEN LATTER WAS SUDDENLY CAUGHT WITH PLANELOAD OF PASSENGERS BOOKED ON NAIROBI-DAR ES SALAAM LEG OF PANAM'S WEEKEND FLIGHT TO EAST AFRICA FROM NEW YORK. DIRECTOR MANAGED TO SECURE PERMISSION TO OPERATE TURN-AROUND FLIGHT TO TANZANIA, BUT IS AWAITING INSTRUCTIONS FROM GOK AND AIRLINES HEADQUARTERS REGARDING FUTURE SERVICE.

3. TEXT OF GOK LETTER DATED MAY 28, 1977 AS FOLLOWS: QUOTE RE: FIFTH FREEDOM AIR TRAFFIC UPLIFT RIGHTS: IT HAS COME TO THE ATTENTION OF THIS MINISTRY THAT FROM THE TIME OF THE COLLAPSE OF EAST AFRICAN AIRWAYS, ON THE 28TH JANUARY 1977, TO DATE YOUR AIRLINE HAS EXERCISED FIFTH FREEDOM TRAFFIC UPLIFT RIGHTS ON A NUMBER OF FIFTH FREEDOM ROUTE SECTIONS TO AND FROM KENYA; ON A TEMPORARY BASIS.

IT IS DIRECTED BY THIS MINISTRY THAT, WITH IMMEDIATE EFFECT, THE EXERCISE OF THESE TEMPORARY RIGHTS ARE TERMINATED.

WITHOUT PREJUDICE TO THE ABOVE, IT IS TO BE UNDERSTOOD THAT YOUR AIRLINE IS OBLIGED TO MAKE REVENUE ROYALTY PAYMENTS TO KENYA AIRWAYS AT THE RATE OF 20 PER CENT OF GROSS REVENUE ON ALL FIFTH FREEDOM TRAFFIC UPLIFTS, RETROSPECTIVELY EFFECTIVE 1ST FEBRUARY 1977 TO THE DATE OF THE TERMINATION OF THESE LIMITED OFFICIAL USE

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RIGHTS.

FINALLY IT IS TO BE UNDERSTOOD THAT WHERE KENYA AIRWAYS HAS NOT TAKEN UP ITS RIGHTS FOR THE TIME BEING THE ROYALTY PAYMENTS TO KENYA AIRWAYS OF 20 PERCENT ON GROSS REVENUE SHALL APPLY. YOURS FAITHFULLY, J.K. ILAKO, FOR PERMANENT SECRETARY. UNQUOTE.

4. BY PHRASE "NUMBER OF FIFTH FREEDOM ROUTE SECTIONS TO AND FROM KENYA" GOK MAY ALSO HAVE IN MIND PAN AM'S KINSHASA-NAIROBI SECTOR. PAN AM DIRECTOR, WHO SPOKE TO MINISTRY OFFICIAL MORNING OF JUNE 4, BELIEVES ONLY NAIROBI-DAR ES SALAAM ROUTE AFFECTED AS FAR AS HIS AIRLINE CONCERNED.

5. KENYA AIRWAYS APPARENTLY HAS NO PLANS TO RESUME EAST AFRICAN AIRWAYS' OLD SERVICE BETWEEN KENYA AND TANZANIA, CREATING A VOID IN WHICH ONLY ASSORTED CHARTER COMPANIES WILL CONSIDER OPERATING. ONE SUCH FIRM BASED IN NAIROBI STATED THAT IT WOULD CONTRACT FOR NON-SCHEDULED FLIGHTS TO

DAR ES SALAAM ON CONDITION THAT TANZANIAN AUTHORITIES  
GUARANTEE AIRCRAFT WILL NOT BE CONFISCATED.

6. COMMENT: VAGUE WORDING OF LAST PARAGRAPH MINISTRY'S  
COMMUNICATION LEADS EMB TO SPECULATE THAT GOK MAY ENTERTAIN  
REQUESTS FROM INTERNATIONAL AIRLINES TO RESUME NAIROBI/  
DAR ES SALAAM SERVICE AS LONG AS KENYA AIRWAYS IS  
APPROPRIATELY COMPENSATED. THIS TACTIC COULD ALSO BE  
APPLIED EVENTUALLY TO KINSHASA-NAIROBI ROUTE, SECTOR ON  
WHICH KENYA AIRWAYS DOES NOT NOW OPERATE BUT COULD TRY TO  
CLAIM DERIVATIVE RIGHTS FROM EAST AFRICAN AIRWAYS. SIMILARLY,  
CHARGE RECENTLY LEARNED FROM SOMALI AIRWAYS OFFICER THAT  
HIS AIRLINE WANTED TO INCREASE FREQUENCY OF FLIGHTS BETWEEN  
MOGADISCIO AND NAIROBI BUT WAS TOLD THAT PERMISSION WOULD  
INVOLVE SUBSTANTIAL ROYALTY PAYMENT (20 PERCENT OF GROSS  
REVENUE) TO KENYA AIRWAYS.

LINDSTROM

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## Message Attributes

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